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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/206,277	12/07/1998	DANY SYLVAIN	7000-275	5285
27820	7590	10/06/2003		
WITHROW & TERRANOVA, P.L.L.C. P.O. BOX 1287 CARY, NC 27512				
EXAMINER TSEGAYE, SABA				
ART UNIT		PAPER NUMBER		
2662		11		

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/206,277

Applicant(s)

SYLVAIN ET AL.

Examiner

Saba Tsegaye

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. Claims 21-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Dekelbaum et al. (US 5,838,682).

Regarding claims 21-29, 35-43 and 49-55, Dekelbaum discloses, in Fig. 1A, B and 5, a telephony switch comprising: a switching fabric (162, 172, 182, 210) (as in claims 21, 35, 49); a first interface (178, 184, 186, 212) adapted to connect the switching fabric (162, 172, 182, 210) to a packet fabric (200, 130) (as in claims 21, 23-25, 35, 37-39, 49-51, 53); originating endpoint (8a-8c; 10a-c) and terminating endpoint (112a-c; 114a-c, 110a-c) (as in claims 21, 24, 26, 29, 35, 38, 40, 43, 49, 52, 53, 55); a PSTN (150) (as in claims 21-23, 25, 26, 29, 35-37, 39, 40, 43, 49-52, 55); a computing module (160, 170, 180, 210) (as in claims 21, 23-27, 35, 49-54); and a signaling network (190) (as in claims 27, 28, 41, 42, 54).

Further, Dekelbaum discloses a telephony switch that receives a call request for establishing a call between an originating endpoint and a terminating endpoint (column 5, lines 47-65); and

establish the call through the switching fabric (162, 172, 182), the packet fabric (130, 200), or the switching fabric (162, 172, 182) and the packet fabric (130, 200) based on the originating endpoint and the terminating endpoint (column 5, lines 47-65; column 9, lines 10-50).

Regarding claims 30 and 44, Dekelbaum discloses the switch wherein the first interface is further adapted to support the inter-working bridge across the switching (column 9, lines 16-27; column 10, lines 18-54).

Regarding claims 31 and 45, Dekelbaum discloses the switch wherein the first interface is further adapted to generate an application instance for the inter-working bridge (column 10, lines 18-54).

Regarding claims 32, 46 and 56, Dekelbaum discloses the switch, wherein the computing module comprises a signaling interface coupled to the packet fabric, the signaling interface adapted to receive call setup messages from and send call setup messages to the originating endpoint, the terminating endpoint, or the originating endpoint and the terminating endpoint through the packet fabric (130, 200) (column 6, line 39-column 7, line 17).

Regarding claims 33, 47 and 57, Dekelbaum discloses the switch, wherein the computing module operates to minimize the number of calls established through the switching fabric and the packet fabric (column 5, lines 31-35)

Regarding claims 34, 48 and 58, Dekelbaum discloses the switch, wherein the computing module is further adapted to formulate and send fabric control messages used to establish virtual connections in the packet fabric for transferring bearer traffic associated with the call when the originating endpoint, terminating endpoint, or the originating and terminating endpoints (8a-8c; 10a-c, 112a-c; 114a-c, 110a-c) are coupled to the packet fabric (130, 200) (column 9, lines 10-28).

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Response to Arguments

2. Applicant's arguments with respect to claims 21-58 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (703) 308-4754. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

ST
September 30, 2003


HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600